

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**KELLY TOUDOUZE**

**V.**

**LIBERTY COUNTY MUTUAL  
INSURANCE COMPANY, AMICA  
MUTUAL INSURANCE COMPANY,  
AND CLINT PRESTON SAUCER**

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**CIVIL NO. 5:21-cv-937**

**DEFENDANT AMICA MUTUAL INSURANCE COMPANY'S  
NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

Pursuant to 28 U.S.C. §§ 1332 and 1441(a), Defendant Amica Mutual Insurance Company, hereby removes this action to the United States District Court for the Western District of Texas from the 288<sup>th</sup> Judicial District of Bexar County, Texas, stating as follows:

1. Plaintiff Kelly Toudouze commenced this action on August 9, 2021 in the 288th Judicial District of Bexar County, Texas where it was given Cause No. 2021CI16114. This action is related to a motor vehicle accident that occurred on November 11, 2017. Plaintiff is a resident of Texas.

Defendant, Amica Mutual Insurance Company is an insurance company whose principal place of business is located in Lincoln, Rhode Island. Therefore, pursuant to 28 U.S.C. § 1332(c), Amica Mutual Insurance Company is a citizen of Rhode Island.

Defendant Liberty County Mutual Insurance Co. is an insurance company whose principal place of business is located in Boston, Massachusetts. Therefore, pursuant to 28 U.S.C. § 1332(c) Liberty County Mutual Insurance Company is a citizen of Massachusetts.

Defendant Clint Preston Saucer is a resident of Texas residing at 3027 Trinity Pass Court, Spring, Texas. However, Defendant Clint Preston Saucer was fraudulently joined to this action

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solely to defeat diversity as the limitations period on any claims Plaintiff may have had against Defendant Saucer expired on November 11, 2019.

Further, Plaintiff claims damages in the August 9, 2021 Original Petition damages of \$1,000,000. Accordingly, this Court has original jurisdiction under 28 U.S.C. § 1332.

2. Defendant Amica Mutual Insurance Company received the summons and complaint on September 1, 2021, by way of service on its Registered Agent so this removal is timely under 28 U.S.C. § 1446(b).

3. A copy of all process, pleadings, and orders served upon Defendant is attached as Exhibit A.

4. Defendant has provided written notice of this Notice of Removal to all adverse parties and has filed a copy with the Clerk of 288th Judicial District of Harris County, Texas.

5. Defendant Amica Mutual Insurance Company consents to the removal.

Signed this 1<sup>st</sup> day of October, 2021.

Respectfully submitted,

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BY: /s/Michael Shane O'Dell

**MICHAEL SHANE O'DELL**  
State Bar No. 24065835

**ATTORNEY FOR DEFENDANT  
AMICA MUTUAL INSURANCE  
COMPANY**

**CERTIFICATE OF SERVICE**

This certifies that on October 1, 2021, a true and correct copy of the foregoing was served as follows:

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/s/Michael Shane O'Dell

**Michael Shane O'Dell**